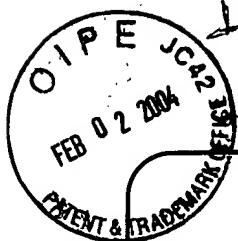


2872



Image

PTO/SB/21 (05-03) (AW 07-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 17 + 12 references

Application Number **09/935,027**Filing Date **August 22, 2001**First Named Inventor **Mikihiro Shimada et al.**Art Unit **2872**Examiner Name **Euncha P. Cherry**Attorney Docket No. **MTS-3270US**

ENCLOSURES (Check all that apply)

☐ Fee Transmittal Form☐ Fee Attached☐ Amendment/Reply☐ After Final☐ Affidavits/Declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☒ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/
Incomplete Application☐ Response to Missing Parts under
37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a
Provisional Application☐ Power of Attorney, Revocation,
Change of Correspondence
Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ After Allowance Communication
to Group☐ Appeal Communication to Board
of Appeals and Interferences☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply
Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please
identify below):**Return Postcard
PTO Form 1449, European
Search Report, 12 references**

Remarks:

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or
Individual**Allan Ratner**

Registration No. (Attorney/Agent)

19,717

Signature

Date

January 30, 2004

CERTIFICATE OF TRANSMISSION / MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:

January 30, 2004

Name (Print/Type)

Allan Ratner

Signature

Date

January 30, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, ALEXANDRIA, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No: 09/935,027
Applicant: Mikihiro Shimada et al.
Filed: August 22, 2001
Title: OPTICAL ELEMENT AND METHOD OF FABRICATION THEREOF
TC/A.U.: 2872
Examiner: Euncha P. Cherry
Confirmation No.: 9204
Docket No.: MTS-3270US

SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R :

Pursuant to 37 C.F.R. §§ 1.97 and 1.98 and to the duty of disclosure set forth in 37 C.F.R. § 1.56, the Examiner in charge of the above-identified application is requested to consider and make of record the references listed on the PTO 1449 (RP) submitted herewith. A copy of each of the listed references is also enclosed.

Although the information submitted herewith may be "material" to the Examiner's consideration of the subject application, this submission is not intended to constitute an admission that such information is "prior art" as to the claimed invention.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

The following references are not in the English language:

- 1) JP 02-168206
- 2) JP 02-087103

3) EP 0 589 268

4) EP 0 622 647

References 1) and 2) include an English language abstract.

References 1) to 4) were cited by a foreign patent office in a counterpart foreign application. A copy of the European Search Report for corresponding Application No. EP 01 12 0159, indicating the degree of relevance determined by the foreign patent office is submitted herewith. MPEP 609 IIIA(3), second paragraph.

The following references were previously cited in a Supplemental Information Disclosure Statement filed on August 26, 2003:

a) US 5,675,691

b) JP 58-113903

c) GB 2133900

d) US 4,886,538

e) EP 0297652

f) JP 06-194536

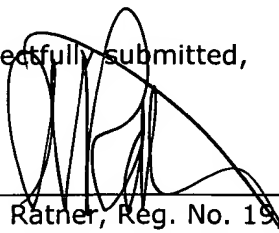
g) NAJAFI, S.I., et al, "Sol-Gel Glass Waveguide and Grating on Silicon", Journal of Lightwave Technology

More than three months have elapsed since the filing of the above-referenced application and a first (non-Final) Official Action has been received. No Final Action or Notice of Allowance has yet been received and it is presumed that none has yet been mailed. Accordingly, as more specifically indicated below, a statement as required by 37 C.F.R. § 1.97(c) is provided herewith.

STATEMENT

The undersigned hereby states that each item of information disclosed in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

Respectfully submitted,



Allan Ratner, Reg. No. 19,717
Attorney for Applicants

AR/fp

Enclosures: PTO Form 1449 (2 sheets)
Copies of (#12) References
European Search Report

Dated: January 30, 2004

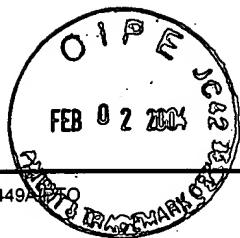
P.O. Box 980
Valley Forge, PA 19482-0980
(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

January 30, 2004





Substitute for Form 1449A

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

SHEET 1 of 2

Complete if Known

Application Number	09/935,027
Filing Date	August 22, 2001
First Named Inventor	Mikihiro Shimada et al.
Art Unit	2872
Examiner Name	Euncha P. Cherry
Attorney Docket No.	MTS-3270US

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Issue Date/ Publication Date (MM-DD-YYYY)	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		US 3,814,498	06/04/74	Tomlinson, III et al.	See search report.
		US 3,970,959	07/20/76	Wang et al.	See search report.
		US 5,157,746A	10/20/92	Tobita et al.	See search report.
		US 5,281,305 A	01/25/94	Lee et al.	Abstract; Figs. 1-6.
		US 5,473,721 A	12/05/95	Myers et al.	See search report.
		US 5,909,529 A	06/01/99	Bhagavatula	See search report.

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date (MM-DD-YYYY)	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		JP 02-087103 A (with English abstract)	03/28/90	CANON INC.	Abstract; Fig. 1.	<input type="checkbox"/>
		JP 02-168206 (with English abstract)	06/28/90	BROTHER IND LTD	Abstract.	<input type="checkbox"/>
		EP 0 589 268 A	03/30/94	BOSCH GMBH ROBERT	See search report.	<input type="checkbox"/>
		EP 0 622 647 A	11/02/94	HOFFMANN LA ROCHE; SCHOTT GLASWERKE	See search report.	<input type="checkbox"/>
		EP 0 964 305 A	12/15/99	CORNING INC.	See search report.	<input type="checkbox"/>
		CA 2 259 350 A	07/20/00	NU-WAVE PHOTONICS INC	See search report.	<input type="checkbox"/>

Examiner Signature	Date Considered
-----------------------	--------------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

¹Applicant's unique citation designation number (optional).

²See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³Enter Office that issued the document, by the two-letter code (WIPO Standard St.3).

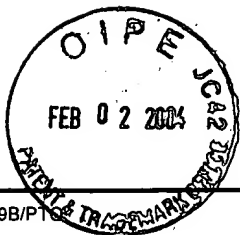
⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.

⁶Applicant is to place a check mark here if English language translation is attached.

The collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



(AW 08/03)

Substitute for Form 1449B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

SHEET 2 of 2

Complete if Known

Application Number	09/935,027
Filing Date	August 22, 2001
First Named Inventor	Mikihiro Shimada et al.
Art Unit	2872
Examiner Name	Euncha P. Cherry
Attorney Docket No.	MTS-3270US

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		European Search Report for EP 01 12 0159, dated December 12, 2003.	<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

¹Applicant's unique citation designation number (optional).

²Applicant is to place a check mark here if English language translation is attached.

The collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.